

Docket No.: 98 P 7649 US
App. No.: 09/148,533

REMARKS

Status of Claims

After entry of the above amendments, claims 1-13 and 17-26 are pending in the Application. New claims 19-24 have been added to claim the invention more extensively without adding new matter. Added claims 25-26 re-present former dependent claims 13 and 18, respectively, in independent form, including all limitations of their former base claims and any former intervening claims. Item 1 of the Office Action rejects claims 1, 4, and 10 under 35 U.S.C. 102(b) (hereinafter, "Section 102(b)") as being anticipated by Kuromi (U.S. Pat. No. 5,233,646).

Items 2 of the Office Action rejects claims 3, 6, 9, 12, and 17 under 35 U.S.C. 103(a) (hereinafter, "Section 103(a)") as being unpatentable over Kuromi in view of allegedly well known prior art.

Item 3 indicates that claims 2, 5, 8, 11, 13, and 18 would be allowable if rewritten in independent form, including all limitations of their respective base and intervening claims.

Item 4 gives contact information for the Examiner.

Claims already indicated as allowable

Claims 13 and 18, among others, have been indicated in the Office Action as being allowable if rewritten in independent form, including all limitations of its base claim. Applicants have duly so rewritten claims 13 and 18, and Applicants re-present the rewritten claims 13 and 18 as the added claims 25 and 26, respectively. Accordingly, Applicants respectfully submit that claims 25 and 26 are now allowable, according to the Office Action's indication.

Section 102(b)

Claims 1, 4, and 10 stand rejected under Section 102(b) as being anticipated by Kuromi. Applicants respectfully disagree.

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Claim 1 recites a limitation that the claimed "apparatus" is "for connecting a microphone alternately to a telephone line and an alternative device" (underlining added for emphasis). The Office Action alleges that Kuromi teaches this limitation. Applicants respectfully disagree.

Applicants respectfully submit that Kuromi does not anywhere teach or even suggest such a limitation recited in claim 1, of "connecting a microphone alternately to a telephone line and an alternative device". On the contrary, Kuromi teaches only one function for its dedicated "telephone-operated stereo shut-off device". The device of Kuromi merely performs one function:

The telephone-operated stereo shut-off device allows the speakers of a stereo receiver to be muted when ever a telephone set rings or the handset is lifted from the telephone set cradle.
(Kuromi, col. 2, lines 47-50)

Thus, as is seen, Kuromi's device interacts with the stereo (alleged "alternative device") only in the context of a telephone call, and only for the purpose of muting the stereo. Applicants respectfully point out that it is especially during a telephone call that the telephone set of Kuromi needs to be connected to the telephone line. Thus, Kuromi teaches interacting with the alleged "alternative device" especially when the alleged "microphone" is connected with the "telephone line".

It is seen that, even if the Office Action intends somehow to equate "muting the stereo" in Kuromi with "connecting a microphone to ... an alternative device" in claim 1, then such alleged connecting in Kuromi is still not "alternately" with respect to any "connecting a microphone ... to a telephone line", as would be required by claim 1. On the contrary, Kuromi's system is seen to interact with the especially at the same time that the alleged "microphone" is connected with the "telephone line". Thus, it is seen that Kuromi teaches away from Applicant's claim 1, which requires "connecting ... alternately", under the Office Action's equating of "muting the stereo" in Kuromi with the "connecting a microphone to ... an alternative device" in claim 1.

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(In any event, Applicants do not concede the Office Action's equating of "muting the stereo" in Kuromi with the "connecting a microphone to ... an alternative device", but the equating is made moot by the preceding discussion and by the discussion below.)

Claim 1 also recites a limitation that:

said switching circuit connecting said telephone connector to said microphone connector in response to sensing a voltage greater than a predetermined threshold on said telephone line, and said switching circuit connecting said microphone connector to said alternative device connector when the voltage sensed on said telephone line is less than said predetermined threshold voltage.

The Office Action alleges that Kuromi teaches this limitation at its col. 6, lines 4-26 and at its FIGS. 1-5. Applicants respectfully disagree.

The cited portion of Kuromi, along with subsequent portions of Kuromi, merely discuss sensing either the "telephone 'ring' voltage" or the lifting of the telephone handset 78 and then transmitting a muting signal to a receiver unit the stereo receiver. That is all. There is simply nothing in Kuromi that has anything to do with claim 1's requirement of "connecting said telephone connector to said microphone connector in response to sensing a voltage greater than a predetermined threshold on said telephone line, and said switching circuit connecting said microphone connector to said alternative device connector when the voltage sensed on said telephone line is less than said predetermined threshold voltage".

Indeed, as has been shown in earlier paragraphs, even under the Office Action's equating of "muting the stereo" in Kuromi with the "connecting a microphone to ... an alternative device", Kuromi still does not teach muting the stereo under one condition and connecting the telephone set to the telephone line under an opposite condition. In fact, as has been discussed, Kuromi teaches away from such a concept.

For the above reasons, Kuromi is seen not to disclose all limitations of claim 1, and therefore Kuromi does not anticipate claim 1. Further, Kuromi teaches away from a limitation of claim 1, under the Office Action's theory about

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Kuromi, and therefore claim 1 further is not obvious over Kuromi. Accordingly, Applicants respectfully submit that claim 1 is allowable over Kuromi.

Claims 4 and 10 were rejected "for the reasons set forth ... in the rejection of claim 1" without separate discussion. Accordingly, Applicants respectfully submit that claims 4 and 10 are allowable at least for some of the same reason is claim 1.

Section 103(a)

Claims 3, 6, 9, 12, and 17 stand rejected under Section 103(a) as being unpatentable over Kuromi in view of allegedly well known prior art. The rejections rely on Kuromi for disclosure of elements, including elements related to "connecting ... alternately" and the like. As has been discussed above, Kuromi absolutely does not disclose "connecting ... alternately" or the like. Accordingly, Applicants respectfully submit that claims 3, 6, 9, 12, and 17 are allowable for at least some of the same reasons as is claim 1.

New claims

New claim 19 includes a limitation of "connecting a microphone ... to, at a given time, no more than one of a telephone line and an alternative device". All other new claims 20-24 include similar limitations. These limitations have similarities with limitations discussed above in connection with claim 1. Accordingly, Applicants respectfully submit that new claims 19-24 are allowable for at least some of the same reasons as is claim 1

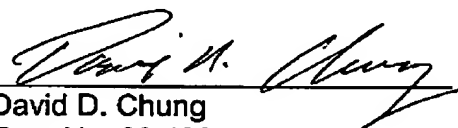
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Conclusion

Therefore, Applicants respectfully submit that all claims are allowable over the art of record, and it is respectfully requested that the application be passed to allowance.

Respectfully submitted,

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